

UTILITY/DESIGN PATENT  
Docket No. S63.2-6769

**D E C L A R A T I O N**

As a below-named inventor, I(we) hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

- original
- design
- supplemental
- national stage of PCT
- divisional
- continuation
- continuation-in-part (CIP)

**INVENTORSHIP DECLARATION**

My residence, post office address, and citizenship are as stated below next to my name;

I verily believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IMPROVED LONGITUDINALLY FLEXIBLE EXPANDABLE STENT**

the specification of which:

- a)  is being filed concurrently herewith
- b)  was filed on \_\_\_\_\_ and assigned Serial No. \_\_\_\_\_
- c)  was filed as PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and amended under PCT Article 19 on \_\_\_\_\_.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56 including information occurring between the filing date of any prior application of which the present application is a continuation-in-part.

- In compliance with this duty there is attached an Information Disclosure Statement.  
37 CFR 1.97.

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d), of any foreign application(s) for patent or inventor's certificate or of any PCT international applications(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international applications(s) designating at least one country other than the United States of America filed by me having the same subject matter having a filing date before that of the application on which priority is claimed.

- a)  no such applications have been filed.  
 b)  such applications have been filed as follows:

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35 United States Code, §119(e) of any United States provisional application identified below.

- a)  no such applications have been filed.  
 b)  such applications have been filed as follows:

U.S. APPLICATIONS	
APPLICATION NUMBER	U.S. FILING DATE
1.	
2.	

#### CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. §120

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications(s) or PCT international applications(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior applications(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior applications(s) and the national or PCT international filing date of this application.

- a)  no such applications have been filed.  
 b)  such applications have been filed as follows:

U.S. APPLICATIONS	
APPLICATION NUMBER	U.S. FILING DATE
1. 08/511,076	AUGUST 3, 1995
2.	
PCT APPLICATIONS DESIGNATING THE U.S.	
PCT APPLICATION NO.	PCT FILING DATE
3.	

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Telephone calls and correspondence should be directed to: Jonathan Grad, VIDAS, ARRETT & STEINKRAUS, P.A., Suite 2000, 6109 Blue Circle Drive, Minnetonka, MN 55343-9131, Telephone: (612) 563-3000, Facsimile: (612) 563-3001.

UTILITY/DESIGN PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Brian J. Brown et al
Title:	IMPROVED LONGITUDINALLY FLEXIBLE EXPANDABLE STENT
Filed:	<input checked="" type="checkbox"/> concurrently herewith <input type="checkbox"/> on _____ and assigned Serial No. _____

Assistant Commissioner for Patents  
Washington, DC 20231

Docket No: S63.2-6769

POWER OF ATTORNEY FROM ASSIGNEE

As assignee of record of the entire interest of the above identified patent application,  
**SCIMED LIFE SYSTEMS, INC.** hereby appoints the following attorneys to prosecute this application and to  
transact all business in the Patent and Trademark Office connected therewith:

Jonathan Grad	Reg. No. 41,795
Oliver F. Arrett	Reg. No. 22,117
Scott Q. Vidas	Reg. No. 30,812
Walter J. Steinkraus	Reg. No. 29,592
Richard A. Arrett	Reg. No. 33,153
Robert O. Vidas	Reg. No. 20,164
Leoniede M. Brennan	Reg. No. 35,832
Jane H. Arrett	Reg. No. 33,355
William E. Anderson, II	Reg. No. 37,766

all of Vidas, Arrett & Steinkraus, P.A., Suite 2000, 6109 Blue Circle Drive, Minnetonka, MN 55343-9131,  
Telephone: (612) 563-3000, Facsimile: (612) 563-3001, and hereby authorizes them to act and rely on  
instructions from, and to communicate directly with, the firm or person which sent this case to Vidas, Arrett &  
Steinkraus, P.A., unless or until it instructs Vidas, Arrett & Steinkraus P.A., in writing to the contrary.

Dated this 18<sup>th</sup> day of November, 1998.

(Company Name)

SCIMED LIFE SYSTEMS, INC.

(Signature)  
(typed name)

By:

  
Luke Dohmen

(Title)

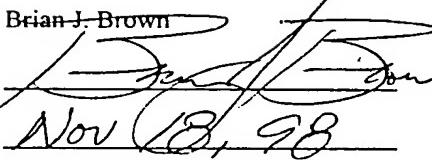
Its: Senior Patent Counsel

**First Inventor**

Full name:

Brian J. Brown

Inventor's signature:

  
Nov 18, 98

Date:

Citizenship:

United States of America

Post office Address:

178 Jandel Avenue  
Hanover, MN 55341

Residence:

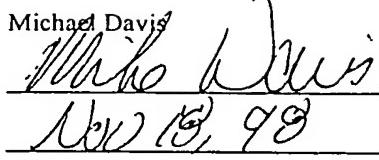
(If different than above)

**Second Inventor**

Full name:

Michael Davis

Inventor's signature:

  
Nov 18, 98

Date:

Citizenship:

United States of America

Post office Address:

22020 Stratford Place  
Shorewood, MN 55311

Residence:

(If different than above)

**Third Inventor**

Full name:

David Friesen

Inventor's signature:



Date:

Nov 18, 98

Citizenship:

United States of America

Post office Address:

8149 Sierra Parkway  
Brooklyn Park, MN 55444

Residence:

(If different than above)

**Fourth Inventor**

Full name:

Timothy J. Ley

Inventor's signature:



Date:

Nov 19, 1998

Citizenship:

United States of America

Post office Address:

668 Highway 96 West  
Shoreview, MN 55126-1905

Residence:

(If different than above)

**Fifth Inventor**

Full name:

Sean P. Skubitz

Inventor's signature:



Date:

Nov 19, 1998

Citizenship:

United States of America

Post office Address:

1024 Island Lake Avenue  
Shoreview, MN 55126

Residence:

(If different than above)

**Sixth Inventor**

Full name:

Inventor's signature:

Date:

Citizenship:

Post office Address:

Residence:

(If different than above)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In Re Application of:</b>	Brown et al.
<b>Application No.:</b>	Not yet assigned
<b>Filed:</b>	Concurrently herewith
<b>For:</b>	Improved Longitudinally Flexible Expandable Stent
<b>Group Art Unit:</b>	Not yet assigned

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No: S63.2N-6769-US04

**Declaration of Attorney**

Jonathan Grad states as follows:

- 1) I am an attorney of record in the above identified case in which a Petition to Make Special is being filed concurrently herewith.
- 2) Applicant is aware of a competitor's commercially available stent, the MULTI-LINK VISION stent, available from Guidant Corporation. If the pending claims of the instant application were issued, the MULTI-LINK VISION would infringe at least some of the claims. This product is currently being sold in the United States.
- 3) I have conducted a rigid comparison of the MULTI-LINK VISION<sup>TM</sup> stent with the pending claims of this application and it is my opinion that at least some of the claims, if issued, would be infringed by the stent.
- 4) I have good knowledge of the pertinent prior art. The references which I believe are most closely related to the subject matter encompassed by the claims are listed in an Information Disclosure Statement included herewith.

5) I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,  
VIDAS, ARRETT & STEINKRAUS, P.A.

Date: December 5, 2003

By: \_\_\_\_\_

  
Jonathan Grad  
Attorney Reg. No. 41,795

Suite 2000  
6109 Blue Circle Drive  
Minnetonka, Minnesota 55343-9185  
Telephone No: (952) 563-3000  
Facsimile No: (952) 563-3001

**LIMITED AUTHORIZATION TO ACT ON BEHALF OF ASSIGNEE  
REGARDING CERTAIN PATENT MATTERS  
EFFECTIVE THROUGH: December 31, 2003**

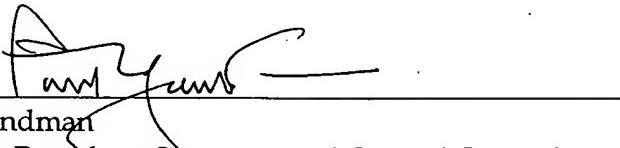
\*\*\*\*\*

I, Paul W. Sandman, as Senior Vice President, Secretary, and General Counsel of Boston Scientific Corporation, the controlling corporation of:

AMS Medinvent S.A.; Boston Scientific BV; Boston Scientific Corporation Northwest Technology Center, Inc.; Boston Scientific Ireland Limited; Boston Scientific Japan KK; Boston Scientific Limited; Boston Scientific Scimed, Inc. (formerly known as Schneider (USA), Inc.); Cardiovascular Innovations Canada, Inc.; Corvita Canada, Inc.; Corvita Corporation; Corvita Europe S.A.; EP Technologies, Inc.; Laboratoires Corvita S.A.R.L.; Meadox Medicals, Inc.; NAMIC Eireann Limited; NAMIC International, Inc.; Nilo Holding, S.A.; Schneider (Europe) GmbH; Schneider Belgium NV; Schneider Holland BV; Schneider Ireland BV; Schneider Puerto Rico (formerly known as NAMIC Caribe, Inc.); Schneider/NAMIC; Scimed Life Systems, Inc.; Symbiosis Corporation; Target Therapeutics, Inc.; Cardiac Pathways Corporation; Interventional Technologies, Inc.; Embolic Protection, Inc.; Quanum Corporation; Smart Therapeutics, Inc.; Radio Therapeutics Corporation; Catheter Innovations Corp.; Enteric Medical Technologies, Inc.; BEI Medical Systems; Heart Technologies; Vesica; and Inflow Dynamics Inc.;

hereby authorize the following registered patent attorneys/agents (1) to act on behalf of any of the corporations identified above, including Boston Scientific Corporation, with regard to any matters before the United States Patent and Trademark Office, any foreign patent offices, and any international patent entities, (2) to execute power of attorney documents on behalf of any of the corporations identified above, including Boston Scientific Corporation, to appoint and/or establish any attorneys, agents, and/or law firms to act on behalf of any of the corporations identified above, including Boston Scientific Corporation, in any foreign or international patent applications filed with any foreign and/or international patent offices, and (3) to execute assignment and ownership documents on behalf of any of the corporations identified above, including Boston Scientific Corporation, with regard to any matters before the United States Patent and Trademark Office, any foreign patent offices, and any international patent offices:

Scott T. Bluni .....	Reg. No. 40,916
James R. Chiapetta.....	Reg. No. 39,634
Luke R. Dohmen.....	Reg. No. 36,783
Peter J. Gafner .....	Reg. No. 36,517
Albert K. Kau.....	Reg. No. 40,672
Kurt W. Lockwood .....	Reg. No. 40,704
Steven A. McAuley .....	Reg. No. 46,084
Todd P. Messal .....	Reg. No. 42,883
Robert M. Rauker.....	Reg. No. 40,782
William J. Shaw .....	Reg. No. 43,111

  
Paul W. Sandman  
Senior Vice President, Secretary, and General Counsel

  
Date

COMMONWEALTH OF MASSACHUSETTS )  
COUNTY OF MIDDLESEX ) ss.  
 )

On this 11<sup>m</sup> day of April, 2003 before me personally appeared Paul W. Sandman to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes set forth herein.

  
Notary Public

**Nona E. Hurd**  
**NOTARY PUBLIC**  
My commission expires Sept 18, 2009

12-01-1998



100911811

U.S. PTO  
1998  
100911811Form PTO-1595  
1-31-92U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

11/20/98

RECORDATION FORM COVER SHEET  
**PATENTS ONLY***11/20/98*  
To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.1. Name of conveying party(ies):  
Brian J. Brown; Michael Davis; David Friesen;  
Timothy J. Ley; Sean P. SkubitzAdditional name(s) of conveying party(ies)  
attached?  Yes  No2. Name and address of receiving party(ies):  
Name: SCIMED LIFE SYSTEMS, INC.

Internal Address:

Street Address: One SciMed Place

City: Maple Grove State: MN Zip: 55311-1566

Additional name(s) & address(es) attached?  Yes  No3. Nature of Conveyance:  
 Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_  
 Execution Date: 11/18/98, 11/18/98, 11/18/98,  
11/19/98 and 11/18/98 respectively

4. Application number(s) or patent number(s):

If this document is being filed with a new application, the execution date of the application is: 11/18/98 and 11/19/98

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached?  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Jonathan Grad  
Vidas, Arrett & Steinkraus, P.A.  
Suite 2000, 6109 Blue Circle Drive  
Minnetonka, MN 55343-91316. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00

 Enclosed  
 Authorized to be charged to deposit account
 8. Deposit Account Number: 22-0350  
(Attach duplicate of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jonathan Grad

Signature

20 November 1998

Date

Total number of pages including cover sheet, attachments, and document: 2

OMB No. 0651-011 (exp. 4/94)

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

12/01/1998 DNGUYEN 0000035 09197278

Commissioner of Patents and Trademarks

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40.00 OP

Box Assignments  
Washington, D.C. 20231

UTILITY/DESIGN PATENT  
Docket No. S63.2-6769

A S S I G N M E N T

WHEREAS, I(we), Brian J. Brown; Michael Davis; David Friesen; Timothy J. Ley; Sean P. Skubitz residing at 178 Jandel Avenue, Hanover, MN 55341; 22020 Stratford Place, Shorewood, MN 55311; 8149 Sierra Parkway, Brooklyn Park, MN 55444; 668 Highway 96 West, Shoreview, MN 55126-1905; 1024 Island Lake Avenue, Shoreview, MN 55126 have invented and own the entire United States right, title and interest in an invention for:

**IMPROVED LONGITUDINALLY FLEXIBLE EXPANDABLE STENT**

disclosed in my application for United States Letter Patent filed:

- concurrently herewith  
 on \_\_\_\_\_ and assigned Serial No. \_\_\_\_\_; and

I hereby authorize and request any attorney of Vidas, Arrett & Steinkraus, P.A., Suite 2000, 6109 Blue Circle Drive, Minnetonka, MN 55343-9131, to insert the filing date and application number of said application above when known.

WHEREAS, SCIMED LIFE SYSTEMS, INC. ("Assignee"), a corporation organized and existing under and by virtue of the laws of the State of MINNESOTA, and having its principal place of business at One SciMed Place, Maple Grove, MN 55311-1566, is desirous of acquiring the entire right, title, and interest in and to said invention, to said application for any and all countries, to any and all Letters Patent, and to any and all Design Letters Patent of any and all countries which may be granted thereon;

NOW, THEREFORE, Be It Known that for good and valuable consideration, the receipt of all of which is hereby acknowledged, I(we) hereby sell, assign, and transfer unto Assignee, its successors, and assigns, the entire right, title and interest, legal and equitable, in and to said invention, to said application for any and all countries, to any and all Letters Patent, and to any and all Design Letters Patent of any and all countries which may be granted thereon; and the Commissioner of Patents and Trademarks is hereby authorized and requested to issue all Letters Patent and all Design Letters Patent which may be granted to said invention to Assignee.

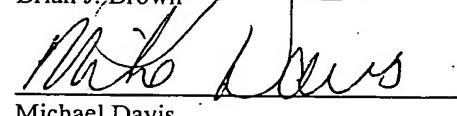
Dated: Nov 18, 98

First Inventor's Signature:  
First Inventor's Name:

  
\_\_\_\_\_  
Brian J. Brown

Dated: Nov 18, 98

Second Inventor's Signature:  
Second Inventor's Name:

  
\_\_\_\_\_  
Michael Davis

Dated: Nov 18, 98

Third Inventor's Signature:  
Third Inventor's Name:

  
\_\_\_\_\_  
David Friesen

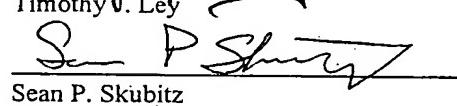
Dated: Nov 19, 98

Fourth Inventor's Signature:  
Fourth Inventor's Name:

  
\_\_\_\_\_  
Timothy J. Ley

Dated: Nov 18, 1998

Fourth Inventor's Signature:  
Fourth Inventor's Name:

  
\_\_\_\_\_  
Sean P. Skubitz



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MARCH 16, 1999

PTAS

VIDAS, ARRETT & STEINKRAUS, P.A.  
JONATHAN GRAD  
SUITE 2000, 6109 BLUE CIRCLE DRIVE  
MINNETONKA, MN 55343-9131



\*100911811A\*



UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/20/1998

REEL/FRAME: 9603/0249  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

BROWN, BRIAN J.

DOC DATE: 11/18/1998

ASSIGNEE:

DAVIS, MICHAEL

DOC DATE: 11/18/1998

ASSIGNEE:

FRIESEN, DAVID

DOC DATE: 11/18/1998

ASSIGNEE:

LEY, TIMOTHY J.

DOC DATE: 11/19/1998

ASSIGNEE:

SKUBITZ, SEAN P.

DOC DATE: 11/18/1998

ASSIGNEE:

SCIMED LIFE SYSTEMS, INC.  
ONE SCIMED PLACE  
MAPLE GROVE, MINNESOTA 55311-1566

142-253

9603/0249 PAGE 2

SERIAL NUMBER: 09197278  
PATENT NUMBER:

FILING DATE: 11/20/1998  
ISSUE DATE:

SHARMALLA SIMPSON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brown et al.
Application No.:	Not yet assigned
Filed:	Concurrently herewith
For:	Improved Longitudinally Flexible Expandable Stent
Group Art Unit:	Not yet assigned

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2N-6769-US04

**ASSIGNEE'S STATEMENT OF OWNERSHIP 37 CFR 3.73(B)**

SciMed Life Systems, Inc., a corporation is the assignee of the entire right, title and interest in the patent application identified above by virtue of a chain of title from the inventors, of the patent application identified above, to the current assignee as shown below:

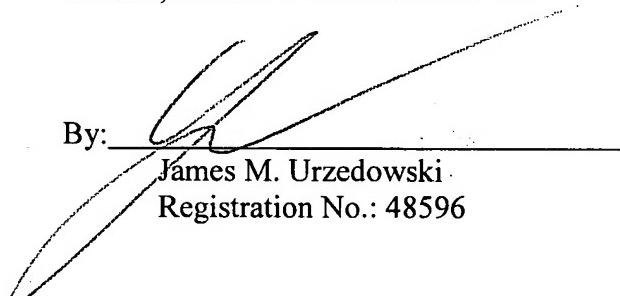
From : Brian J. Brown, Michael Davis, David Friesen, Timothy J. Ley,  
Sean P. Skubitz  
To: SciMed Life Systems, Inc.  
The document was recorded in the Patent and Trademark Office at  
Reel 9603, Frames 0249-0250, or for which a copy thereof is  
attached.

The undersigned is empowered to sign this statement of ownership certificate on behalf of the assignee.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: December 5, 2003

By: 

James M. Urzedowski  
Registration No.: 48596

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001  
f:\wpwork\jmu\06769us04\_sta\_20031118.doc